

JAN 29 2007

REMARKS

Claims 1-73 were pending.

Claims 1-43 and 56-73 have been canceled.

Claims 44-55 are amended.

After this amendment claims 44-55 are pending for examination.

Election of Invention I

In response to the Invention Restriction Requirement dated December 29, 2006, the Applicants elect without traverse Invention I (claims 1-31 and 44-73) for further prosecution. Claims 1-31 and 56-73 are voluntarily canceled herein.

Traversal of all of the Species Restrictions Below

The Applicants traverse all of the species restrictions for the following reasons. Section 808 of the MPEP requires that a proper restriction include (1) reasons why each claimed invention is independent and distinct, and (2) why there would be a serious burden on the Examiner if the restriction were not required.

For at least some of the species restrictions, it is difficult or impossible for the Applicant to comment on the properness of the restriction given that -

(i.) as discussed above, no reasons for the species restriction as mandated by the MPEP are provided, and (2) the nature of the material of the species is not clearly identified, rather the examiner merely lists FIGs.

Election of Species 1

In response to the Species Restriction Requirement dated December 29, 2006, the Applicants elect species 1 with traverse. Claims 44, 45 and 47 read on FIG. 3C (species 1).

Contrary to the statement on page 4 of the Restriction, claim 44, 45 and 47 are generic to Species 1 and 2. As discussed for example at lines 3-16, page 15 of the specification, a stripper finger may be attached to a compressor drawer (shown in FIG. 3C) or may be separate of the drawer (shown in FIG. 3E). None of claims 44, 45 or 47 include a limitation directed to whether

a stripper finger is attached are separate of the compressor drawer and therefore read on Species 1 and 2. Therefore claims 44, 45 and 47 are generic to species 1 and 2.

Election of Subspecies 4

In response to the Species Restriction Requirement dated December 29, 2006, the Applicants elect species 4 with traverse. All of claims 44-55 read on FIG. 11 and 12 (species 4).

Contrary to the statement on page 4 of the Restriction, claims 44-55 are generic to Species 3 and 4. As discussed in the specification, figures 11 and 12 illustrate an injector device 10 packaged together with a retainer 40 and an IOL 30 coupled thereto; and figure 10 illustrates a retainer 40 which is packaged separately from the injector body 12. None of claims 44-55 include a limitation directed to whether a retainer is packaged separately of an injector. Therefore claims 44-55 are generic to species 3 and 4.

Election of Subspecies 6

In response to the Species Restriction Requirement dated December 29, 2006, the Applicants elect species 6 with traverse. All of claims 44-55 read on FIG. 13A-13F (species 6). Furthermore, all of claims 44-55 read on FIG. 5A-5C (species 5) and are therefore generic species 5 and 6.

Election of Subspecies 8

In response to the Species Restriction Requirement dated December 29, 2006, the Applicants elect species 8 with traverse. All of claims 44-55 read on FIG. 14 (species 8).

Election of Subspecies 10

In response to the Species Restriction Requirement dated December 29, 2006, the Applicants elect species 10 with traverse. All of claims 44-55 read on FIG. 16B (species 10).

Election of Subspecies 11

In response to the Species Restriction Requirement dated December 29, 2006, the Applicants elect species 11 with traverse. All of claims 44-55 read on FIG. 6 (species 11).


Election of Subspecies 13

In response to the Species Restriction Requirement dated December 29, 2006, the Applicants elect species 13 with traverse. None of the claims include limitations directed to a plunger design. Therefore, all of claims 44-55 read on FIG. 18 (species 13).

This Amendment is accompanied by a one month extension. In view of the foregoing arguments and amendments, Applicants believe that the application is in condition for allowance. An early and favorable action on the merits is solicited.

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Respectfully submitted,



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